

# Multinational building materials company fined after worker died during maintenance and repair work

Cemex UK Operations Limited has been fined £1m after a worker suffered fatal injuries when he was struck on the body by a centering machine lifting mast.

Livingston Sheriff Court heard that on 13 May 2017, James Brownlie was carrying out maintenance and repair work on a dry sided conveyor, part of which ran under a machine known as a centering machine. The centering machine was not isolated at the time and part of Mr Brownlie's body interrupted the path of the light beam between the sensor's emitter and reflector. This caused the machine's lifting mast to activate and descend, striking him on the body and causing internal injuries from which he died a short time later.





An investigation by the Health and Safety Executive (HSE) found that Cemex UK Operations Limited failed to ensure the centering machine was isolated prior to the maintenance and repair work being carried out on the conveyor.

Cemex UK Operations Limited, Evreux Way, Rugby pleaded guilty to breaching Section 2 (1) and Section 33 (1) (a) of the Health and Safety at Work Act etc 1974 and was fined £1,000,000.

After the hearing, HSE inspector Kim Ross said: "This tragic incident led to the avoidable death of a man, which could have easily been prevented if had taken action to ensure the centering machine was isolated prior to the maintenance and repair work being carried out.

"If this had been in place before the incident, James Brownlie's death could have been prevented."

#### **Notes to Editors:**

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported

by globally recognised scientific expertise. [www.hse.gov.uk](http://www.hse.gov.uk)

2. More about the legislation referred to in this case can be found at: [www.legislation.gov.uk/](http://www.legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>

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## **Company prosecuted after employee injured using ripsaw**

A building and maintenance company was fined after an employee was injured while operating a ripsaw.

Liverpool Crown Court heard that on 2 June 2017, the worker was cutting timber to construct a door in the joinery workshop of Connors Building and Restoration Limited. As he fed a length of hardwood through the blade, an offcut was ejected backwards striking the employee and impaling itself in his upper leg and groin. Although the saw had a crown guard and riving knife, no work piece support was being used.

An investigation by the Health and Safety executive (HSE) found that no risk assessment for the machine had been carried out to identify the controls to reduce the risk of kick back of timber. The company failed to provide adequate training and supervision in use of the work equipment including workpiece supports.

Connors Building and Restoration Limited, of Knowsley Industrial Estate, Liverpool, was found Guilty to breaching regulation 2(1) of the Health and Safety at Work Act 1974 etc. The company was fined £20,000 and ordered to pay

costs of £68,192.15.

HSE inspector Catherine Lyon said after the hearing "This injury could have been easily prevented by identifying and implementing safe working practices when using this machine and in ensuring employees were provided with appropriate information, instruction and training to ensure these methods were followed."

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## **Charitable trust fined after member of public injured**

Sheffield Countryside Conservation Trust (SCCT) was sentenced for safety breaches after a 46-year-old woman was knocked unconscious by a falling tree and her four-year-old grandson received minor head injuries.

Sheffield Magistrates' Court heard how, on 11 December 2017, SCCT was tree felling in Truman Road, Stocksbridge. The tree was being felled by chainsaw with the assistance of a winch and when the last cut was applied, instead of it falling in the expected direction, it twisted out of control and fell onto the lane. The tree came to rest on the site boundary wall and a security gate on the other side of the lane. At the time the woman and her grandson were walking up the lane and two were injured by the falling tree. The woman's five-year-old granddaughter, also present, was uninjured.

An investigation by the Health and Safety Executive (HSE) found that the characteristics of the particular tree were not properly assessed prior to felling and the tree did not fall in the intended direction. The method used for felling this size and shape of tree was not the correct one. A different method was needed because of its shape and angle of lean. Site supervision was also inadequate. The work on the day of the incident was poorly organised and effective measures had not been taken to prevent members of the public

entering the danger zone.

Sheffield Countryside Conservation Trust of Wood Lane Countryside Centre, Stannington, Sheffield pleaded guilty to breaching Section 3 (1) of the Health & Safety at Work etc Act 1974. The trust has been fined £3,000.00 and ordered to pay £1,000.00 in costs.

After the hearing, HSE inspector Eddy Tarn commented: "Use of signs and bakersmen to warn members of the public should have been in place.

"This incident could have easily been prevented if a site-specific risk assessment and method statement had been used"

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2. More about the legislation referred to in this case can be found at: [www.legislation.gov.uk/](http://www.legislation.gov.uk/)<sup>[2]</sup>
3. Please see the link below to the page on HSE's website that is the best guide to doing it the right way:  
<http://www.hse.gov.uk/treework/site-management/public-access.htm>
4. HSE news releases are available at <http://press.hse.gov.uk><sup>[3]</sup>

The post [Charitable trust fined after member of public injured](#) appeared first on [HSE Media Centre](#).

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## **Companies fined after workers exposed to asbestos**

RJW Building Solutions Limited, a contractor carrying out refurbishment work at the Sea Hotel in South Shields, and Hotel 52 (Sea) Limited, the client company who arranged this work, were sentenced after workers disturbed asbestos.

South Tyneside Magistrates' Court heard that while workers were refurbishing the bar area of the Sea Hotel in September and October 2018, they disturbed asbestos.

An investigation by the Health and Safety Executive (HSE) found that both

companies had failed to ensure an appropriate assessment was carried out to check for the presence of asbestos in the areas of the Sea Hotel where refurbishment work was taking place.

RJW Building Solutions Limited of Bridge End Industrial Estate, Hexham pleaded guilty to breaching Regulation 5 of the Control of Asbestos Regulations 2012 and was fined £20,000 with £1,084.59 costs.

Hotel 52 (Sea) Limited of Stockbridge, Newcastle upon Tyne pleaded guilty to breaching Section 3 (1) of the Health and Safety at Work Act 1974 etc and was fined £16,000 with £1,246.90 costs.

After the hearing, HSE inspector Loren Wilmot said:

“Asbestos is a naturally occurring mineral fibre which was widely used in both building and engineering materials for its strength, heat and chemical resistance. There are several different types of asbestos however they all share similar properties. When asbestos is disturbed, fibres are released into the air where they can be inhaled and may penetrate the lungs. This can cause serious diseases including mesothelioma, lung cancer and asbestosis. These diseases do not have an immediate effect, they often take a long time to develop, but once diagnosed, they are often fatal.

“Asbestos related disease is responsible for the premature deaths of approximately 5000 people annually. Whilst the supply and manufacture of asbestos has been prohibited in the UK for approximately 20 years it can still be present in any building or industrial process plant built or refurbished before the year 2000.

“In this case both the client and contractor failed to protect workers from the risks to their health by failing to prevent their exposure to asbestos.”

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# Essex engineering firm sentenced after worker suffered serious hand injuries

An engineering firm was sentenced for safety breaches after a worker severed two fingers.

Chelmsford Magistrates' Court heard that on 5 June 2018 an employee of Essex Governor Services Limited was polishing a work piece with an emery cloth whilst it was rotating in a manual metal working lathe at the company site in Colchester. His index and middle finger were severed as they were dragged in between the tool and the chuck. He later had his index finger sewn back in the place of his middle finger, but the other one could not be saved.

An investigation by the Health and Safety Executive (HSE) found the unsafe practice of using emery cloths in this way was custom and practice at the site. Essex Governor Services Limited had failed to identify the risks associated with the activity and as a result these practices had continued over a significant period. In addition, employees and their supervisor had not been provided with adequate information, instruction and training to work safely on the lathes.

Essex Governor Services Limited of Wormingford Road, Fordham, Colchester, pleaded guilty to breaching section 2(1) of the Health and Safety at Work Act 1974. The company has been fined £24,000 and ordered to pay costs of £4414.48 and victim surcharge of £170.

After the hearing HSE inspector Carla Baron said; "This incident could have easily been avoided had appropriate training and supervision been in place.

"Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the current standards. In this particular case, there is well-known industry guidance published on the HSE website that prohibits the application of a cloth directly by hand on a rotating manual metal working lathe."

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. It aims to reduce work-related death, injury and ill health. It does so through research, information and advice, promoting training; new or revised regulations and codes of practice, and working with local authority partners by inspection, investigation and enforcement. [gov.uk](http://gov.uk)<sup>[1]</sup>
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4. <http://www.hse.gov.uk/pubns/eis2.pdf>

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